UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,039	03/29/2004	Chaitanya Kanojia	2657.2001-021	1452

21005   7590   04/07/2008
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER
RUBIN, BLAKE J

ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
04/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 February 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _1/30/2008_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _12/6/04, 10/26/05, and 2/25/08_.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is a response to applicant's arguments filed on January 30, 2008.

2.   Claims 1-16 are pending in this application. Claims 4-10 are original; claims 1-3, and 11-16 are amended.

3.   This application is a continuation of US Application No. 09\515,032, claiming benefit to provisional Application No. 60\185,202, filed on March 6, 2000.

Specification

4.   The examiner has acknowledged the new abstract and specification. The objections to the specification have been withdrawn in light on the newly submitted documents.

Drawings

5.   The examiner has acknowledged the new drawing. The objections to the drawings have been withdrawn in light on the newly submitted documents.

Claim Rejections – 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   **Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Yevgenity Eugene Shteyn (Patent No. 6,199,136), hereinafter Shteyn.**

8.   With respect to amended claim 1, Shteyn discloses a system for event driven content installation on a network device over a data network (column 2, lines 66-67; column 3, lines 1-24), the system comprising: a network device (column 2, lines 32-34, *set top box*) detecting a change in a configuration of the network device (column 2, lines 66-67, column 3, lines 1-3) and transferring information regarding the configuration change (column 3, lines 4-7, *obtain this information from the registry*); a remote server receiving the information regarding the configuration change (column 3, lines 4-7, *registry*) and in response to the information received (column 8, lines 38-43, *state changes in the network*), searching a database for content (column 8, lines 38-43, *query a directory*) (i) corresponding to the configuration change (column 8, lines 38-43, *notify network 102 of events and state changes in network*) and (ii) supporting the configuration change to the network device (column 7, lines 14-18, *setting their properties*), by comparing the information received to content stored in the database (column 7, lines 37-40, *query interface*); the remote server sending a message (column 4, lines 2-4) notifying the network device of a location of the content (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*) corresponding to the configuration change (column 8, lines 38-43, *state changes in the network*); the

network device requesting download (column 4, lines 35-36, *upload*) of the content at

the location identified in the message (column 8, lines 38-43, *directory*); and the server

downloading the content to the network device in response to the request (column 4,

lines 36-37, *uploaded*).

9.   With respect to amended claim 2, Shteyn discloses the system of claim 1

wherein the configuration change of the network device is an addition of hardware

(column 3, lines 1-3) associated with the network device (column 7, lines 18-21).

10.   With respect to amended claim 3, Shteyn discloses the system of claim 2

wherein the content is a driver (column 8, line 17), application program (column 3, line

25), configuration file (column 8, lines 12-17, *modifying operation is converted into a*

command), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53,

advertise its capabilities) associated with the additional hardware (column 7, lines 12-

18, *associated device*) and which corresponds to the configuration change (column 7,

lines 12-18, *state change*).

11.   With respect to claim 4, Shteyn discloses the system of claim 1 wherein the

configuration change is a removal of hardware (column 3, lines 1-3) associated with

the network device (column 7, lines 18-21).

12.   With respect to claim 5, Shteyn discloses the system of claim 4 wherein an

uninstall program for removal of software (column 2, lines 66-67; column 3, lines 1-3)

associated with the removed hardware (column 7, lines 18-21).

13.   With respect to claim 6, Shteyn discloses the system of claim 1 wherein the

content is a driver (column 8, line 17), application program (column 3, line 25),

configuration file (column 8, lines 12-17, *modifying operation is converted into a*

command), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53,

advertise its capabilities).

14.   With respect to claim 7, Shteyn discloses the system of claim 1 wherein the

remote server comprises a bulk download manager that downloads the content to the

network device (column 7, lines 51-53, *call<u>s</u>*).

15.   With respect to claim 8, Shteyn discloses the system of claim 1 wherein the

remote server comprises a system manager (column 2, lines 66-67; column 3, lines 1-

3, *event manager*) that receives the information regarding the configuration change

(column 2, lines 66-67; column 3, lines 1-3, *changes in the network configuration*) and

sends the message notifying the network device of the location of the content in the

database (column 3, lines 66-67; column 4, lines 1-4, *provides a directory service*).

16.   With respect to claim 9, Shteyn discloses the system of claim 1 wherein the

network device comprises a system agent that detects the change in the configuration

of the network device (column 7, lines 14-18, *state change*) and transfers information

regarding the configuration change (column 7, lines 18-20, *a command is sent to the*

associated device).

17.   With respect to claim 10, Shteyn discloses the system of claim 1 wherein the

network device comprises a bulk download agent that requests the download of the

content (column 7, lines 51-53, *call*s).

18.   With respect to amended claim 11, Shteyn discloses a method for event driven

content installation on a network device over a data network (column 2, lines 66-67;

column 3, lines 1-24), the method comprising: detecting a change in a configuration

(column 2, lines 66-67, column 3, lines 1-3) of a network device (column 2, lines 32-34,

set top box); transferring information regarding the configuration change (column 3,

lines 4-7, *obtain this information from the registry*) to a remote server (column 3, lines

4-7, *obtain this information from the registry*); receiving a message from the server

(column 4, lines 2-4) that provides a location in a database (column 3, lines 66-67;

column 4, lines 1-4, *provides a directory service*) of content which has been searched

for (column 8, lines 38-43, *query a directory*) in response to the information transferred

(column 3, lines 4-7, *obtain this information from the registry*), the content (i)

corresponding to the configuration change (column 8, lines 38-43, *notify network 102*

of events and state changes in network) and (ii) supporting the configuration change to

the network device (column 7, lines 14-18, *setting their properties*); and downloading

the content from the database location identified in the message (column 4, lines 36-

37, *uploaded*).

19.   With respect to amended claim 12, Shteyn discloses the method of claim 11

wherein the configuration change of the network device is an addition or removal of

hardware (column 3, lines 1-3) associated with the network device (column 7, lines 18-

21)

20.   With respect to amended claim 13, Shteyn discloses the method of claim 11

wherein the content is driver (column 8, line 17), application program (column 3, line

25), configuration file (column 8, lines 12-17, *modifying operation is converted into a

command*), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53,

advertise its capabilities) which corresponds to the configuration change (column 7,

lines 12-18, *state change*).

21.   With respect to amended claim 14, Shteyn discloses a method for event driven

content installation on a network device over a data network (column 2, lines 66-67;

column 3, lines 1-24), the method comprising: receiving the information from a remote

network device (column 2, lines 32-34, *set top box*; column 6, lines 58-59) regarding a

change in a configuration (column 2, lines 66-67, column 3, lines 1-3) of the network

device (column 2, lines 66-67, column 3, lines 1-3); in response to the information

received, searching a database for content (column 8, lines 38-43, *query a directory*)

(i) corresponding to the configuration change (column 8, lines 38-43, *notify network*

102 of events and state changes in network) and (ii) supporting the configuration

change to the network device (column 7, lines 14-18, *setting their properties*), by

comparing the information received to content stored in the database (column 7, lines

37-40, *query interface*); sending a message to the network device (column 4, lines 2-4)

including a location of the content (column 3, lines 66-67; column 4, lines 1-4, *provides*

a directory service) corresponding to the configuration change (column 8, lines 38-43,

state changes in the network); receiving a request for a download of the content

(column 4, lines 35-36, *upload*) at the location identified in the message (column 8,

lines 38-43, *directory*); and downloading the content to the network device in response

to the request (column 4, lines 36-37, *uploaded*).

22.   With respect to amended claim 15, Shteyn discloses the method of claim 14

wherein the configuration change of the network device is an addition or removal of

hardware (column 3, lines 1-3) associated with the remote network device (column 7,

lines 18-21)

23.   With respect to claim 16, Shteyn discloses the method of claim 14 wherein the

content is a driver (column 8, line 17), application program (column 3, line 25),

configuration file (column 8, lines 12-17, *modifying operation is converted into a*

command), registry data (column 3, lines 4-7) or promotion (column 3, lines 51-53,

advertise its capabilities) which corresponds to the configuration change (column 7,

lines 12-18, *state change*).

Response to Arguments

24.   Applicant's arguments, with respect to claims 1-3, have been fully considered,

but they are not persuasive.

25.   With respect to claim 1, applicant argues (page 13) that Shteyn's *abstract*

representation of the device does not disclose the elements of the amended claim's

recitation, "the network device detecting a change in a configuration of the network

device and *transferring information* regarding the configuration change" and "remote

server *receiving the information* regarding the configuration change and...searching a

database for content (i) corresponding to the configuration change and (ii) supporting

the configuration change to the network device..."

26.   The examiner respectfully disagrees with the applicant's arguments, because

Shteyn discloses that "The abstract representation thus provides a uniform interface

for higher levels of software. The abstract representations are registered with their

control properties reflecting those of the device represented. The abstract

representations expose their Interoperability API's to the applications and collectively

form a set of services for building portable, distributed applications on the home

network." (column 1, lines 59-67). The disclosure of abstract representation clearly

includes *transferring* and *receiving information* by exposing their interoperability to the applications. Shteyn further discloses, "Objects 132-136 have properties that expose control functionalities of the associated devices. Abstract objects 132-136 supply events to an application 130 to indicate state changes of the objects brought about by the associated ones of devices 124-128. Application 130 manipulates objects 132-136 by changing or setting their properties, e.g., as a result of receiving an event. When application 130 modifies a property of, e.g., object 132, the modifying operation is converted into a command that is sent to device 124 associated therewith." (column 8, lines 6-16). The disclosure clearly indicated that the relationship between detecting a configuration change, and transferring information relevant to the change.

27.   Furthermore, with respect to claim 1, applicant argues (page 13) that Shteyn's uploading an abstract representation does not disclose the amended claims recitation, "network device *requesting download of the content* at the location identified in the message".

28.   The examiner respectfully disagrees with the applicant's arguments, because Shteyn discloses that, "this enables an FAV to upload bytecode from other device for, e.g. providing enhanced capabilities" (column 2, lines 29-31). The disclosure of upload as opposed to downloading has only a differentiation as to the direction in which the content is moving, and it is within reasonably interpretation to interchange the two terms within the context of Shteyn. As far as *requesting download*, it is necessitated that a request be made in order to initiate any download.

29.   Furthermore, with respect to claim 1, applicant argues (pages 13-14) that

Shteyn's searchable registered software element does not disclose "remote server

receiving the information regarding the configuration change and *in response to the*

information received, searching a database for content (i) corresponding to the

configuration change and (ii) supporting the configuration change to the network

device...searching...*by comparing the information received* to content stored in the

database."

30.   The examiner respectfully disagrees with the applicant's arguments, because

Shteyn discloses that, "Instantiation of an embedded DCM results in registration of the

device's capabilities with a registry. The registry provides a directory service and

enables any object on the network to locate another object on the network. Registering

allows applications to infer the basic set of command messages that can be sent to a

specific device on the network" (column 3, lines 65-67; column 4, lines 1-4). The

disclosure of the result of the instantiation being a registration clearly demonstrates a

response to the information received. While the disclosure of locating objects through

a directory service clearly demonstrates *comparing the information received* as a result

of a reasonable interpretation of such a demonstration being that the an inquiry into the

location of an object through the directory service takes input, an object, and compares

it to an entry to provide an output, the location.

31.   Furthermore, with respect to claim 1, applicant argues (page 14) that Shteyn

teaches away from the applicant's claims. The applicant is reminded that, "A reference

is no less anticipatory if, after disclosing the invention, the reference then disparages it.

The question whether a reference 'teaches away' from the invention is inapplicable to

an anticipation analysis." See MPEP 2131.05.

32.   With respect to claim 2, applicant argues (page 15) that Shteyn's self describing

device broadcasting its services itself does not disclose, "configuration change of the

network device is an addition of hardware associated with the network device"

33.   The examiner respectfully disagrees with the applicant's arguments, because

Shteyn discloses that, "An Event Manager (EM)-informs the various software elements

of the events in the network such as the changes in the network configuration that

occurs when appliances (devices) are added or removed from the network" (column 2,

lines 65-6; column 3, lines 1-3). The disclosure of the event manager informing the

network of additional devices being added, in conjunction with the newly added

devices broadcasting their services over the network, whereby those newly added

services effect the configuration of the devices already on the network demonstrates

the applicants *configuration change*.

34.   With respect to claim 3, applicant argues (page 15) that Shteyn's messages for

basic inter-device communication does not disclose, "content is a driver, application

program, configuration file, registry data or promotion associated with the additional

hardware and which *corresponds to the configuration*"

35.   The examiner respectfully disagrees with the applicant's arguments, because

Shteyn discloses that, "An object has properties that expose control functionalities of

the associated device to a software application. A state change of an object as a

consequence of an event from outside is passed on to the software application. The

software object manipulates the objects by changing or setting their properties"

(column 7, lines 12-18). The disclosure of the state change being a consequence of

an event, which thereby changes the properties of the object clearly demonstrates that

the content *corresponds to the configuration change.*

36.   With respect to claims 4-16, applicant's arguments are made similar to or are

dependent on claims 1-3, and so the examiner respectfully disagrees for the reasons

stated above.

Conclusion

37.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

38.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rubin Blake whose telephone number is (571) 270-3802. The examiner can normally be reached on M-R: 7:30-5:00.

39.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

40.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BJR

3/27/2008

/Nabil El-Hady, Ph.D, M.B.A./

Supervisory Patent Examiner, Art Unit 4152